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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,506	12/04/2000	Dan Bress	2174/49461TR	3904
7590	07/21/2005		EXAMINER	
Dan Bress 7851 C Beechcraft Ave Gaithersburg, MD 20879			SPOONER, LAMONT M	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/727,506	BRESS ET AL.	
	Examiner	Art Unit	
	Lamont M. Spooner	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 March 2005.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 December 2000 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities:

The alphabetic steps have antecedent issues with a parent claim. Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*l's 5 and 6*

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta (US Patent No. 5,868,576 Feb. 9, 1999) in view of Kelley (US Patent No. 6,405,171 filed Feb. 2, 1999), and further in view of Ecker et al. (herein referred to as Ecker, US Patent No. 6,442,524 filed Jan. 29, 1999).

Maruta, Kelley and Ecker are analogous art in that they involve communicating languages.

As per **claims 1 and 6**, Maruta discloses method for producing customizable audio speech for use by a person wishing to use such speech to communicate with others, which comprises the steps of:

- a) creating a plurality of sets and sub-sets of words, phrases and sentences in text form in a source language (C.7.lines 41-50);
- b) creating a plurality of sets and sub-sets of digital speech files (C.7.lines 41, 42-voice information has been created stored in ROM, individually available upon request in any order) corresponding to words, phrases and sentences in one or more target languages in a voice (C.7.lines 43-50, C.8.lines 7-14);
- c) associating each of the words, phrases and sentences in text form in the source language with one or more of the digital speech files, in the one or more target languages so that selection of the text form in the source language allows retrieval of the corresponding digital speech file in the one or more target languages in a voice (C.7.lines 41-67, C.8.lines 1-15) and storing said associated sets in digitized electronic form in a database (C.8.lines 7-15);
- d) organizing said words, phrases and sentences in text form in the source language into conversational social groups and subgroups (C.7.lines 56-60);
- f) arranging said conversational social groups and subgroups in a hierarchical structure (c.8.lines 12-29-his scenes, the "leading address" of a scene, and the subsequent scenes, indicate a hierarchical structure);
- h) receiving request at for communicating requests for additional words, phrases and sentences in text in source language to be created in additional digital files in one or more target languages in one or more voices (C.8.lines 44-51); which may form part of existing or new conversational social groups and subgroups (C.8.lines 44-51);

- i) creating said additional digital files by the requester only (Fig. 1, Fig 2, C.8.lines 44-51);
- j) selecting a digital speech file c.9.lines 1-13);
- k) playing said selected digital speech files so that a user may use such words, phrases and sentences to communicate by speech with others in a selected target language (C.9.lines 1-13); and
- l) graphically displaying the one or more selected digital speech files to verify what is being spoken to the user (C.9.lines 1-13).

Maruta does not explicitly disclose:

in steps b, c, h, i, j and l the digital speech files are digital speech audio files;

b) creating a plurality of sets and sub-sets of digital speech audio files corresponding to words, phrases and sentences in one or more target languages in different voices, by recording the voices speaking the words, phrases and sentences in the one or more target languages;

c) associating each of the words, phrases and sentences in text form in the source language with one or more of the digital speech audio files, in the one or more target languages so that selection of the text form in the source language allows retrieval of the corresponding digital speech audio file in the one or more target languages in a specific voice, the specific voice by a celebrity.

However, Kelley teaches (C.4.lines 31-61, Fig. 1) having a plurality of sets and sub-sets of digital speech audio files corresponding to words, phrases and sentences

corresponding to words phrase and sentences in one or more target languages in different voices, by recording the voices speaking the one or more languages (C.4.lines 46-61-the Examiners position is the voice of a person includes a celebrities), which includes a specific voice. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta with Kelly. The motivation for doing so would have been to allow the customer to "brand" terms by using different voice talents, each having a specific voice, for recording and displaying (C.4.lines 49-51), which is an obvious improvement to any speech output device by allowing the output to comprise a variety of voices, which customizes the voice output (C.4.lines 49-51).

Maruta in view of Kelley do not disclose:

- c) storing associated sets of words phrase sentences and corresponding voice files in a central open server;
- e) storing said conversational social groups and subgroups on an central open server;
- g) customizing of said words, phrases and sentences by an end user, which comprises one or more of the following steps;
  - creating new conversational social groups and subgroups;
- h) receiving requests at the central open server for additional words, phrases and sentences in text in source language to be created in additional digital audio files in one or more target languages in one or more voices; which may form part of existing or new conversational social groups and subgroups;

i) creating said additional digital audio files on a closed server for access by the requester only;

However, Ecker teaches having associated sets of words phrase sentences and corresponding voice files in a central open server (C.9.lines 8-38), communicating requests to a central open server for additional words, phrases and sentences in text in source language and altering and creating new conversational social groups and subgroups (C.9.lines 20-38), and creating said additional digital audio files on a closed server for access by the requester only (C.9.lines 8-38). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta and Kelley with Ecker. The motivation for doing so would have been to allow digitized audio information involving language translation, privately and openly, to be remotely stored and accessed, which is well known in the art to reduce memory space from the client end device, expand the user vocabulary to the client device, which would obviously increase personal or shared client side knowledge to client device (C.9.lines 1-38).

As per **claim 2**, Maruta, Kelley, and Ecker disclose all of the limitations of claim 1, upon which claim 2 depends.

Maruta in view of Kelly do not disclose:

access to the central servers is by a workstation directly connected thereto or capable of connection through an Internet connection or other suitable means.

However, Ecker teaches access to the central servers is by a workstation directly connected thereto or capable of connection through an Internet connection or other

suitable means (C.9.lines 19-38). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine Maruta and Kelly with Ecker. The motivation for doing so would have been to allow translation to be performed remotely at an Internet server and transmitted using Internet telephony (C.9.lines 25-38).

As per **claim 3**, Maruta, Kelley, and Ecker disclose all of the limitations of claim 2, upon which claim 3 depends. Maruta further discloses:

the workstation comprises a portable device (Fig. 2).

Maruta in view of Kelley in view of Baker in view of Ecker

As per **claim 5**, Maruta, Kelley, and Ecker disclose all of the limitations of claim 1, upon which claim 5 depends. Maruta further discloses:

distribution of words, phrases and sentences through a physical media (c.9.lines 5-9)

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta (US Patent No. 5,868,576 Feb. 9, 1999) in view of Kelley (US Patent No. 6,405,171 filed Feb. 2, 1999), and further in view of Ecker et al. (herein referred to as Ecker, US Patent No. 6,442,524 filed Jan. 29, 1999), and further in view of Baker (US 5,299,125 filed 3/29/1994).

As per **claims 4 and 7**, Maruta, Kelley and Ecker disclose all the limitations of claim 1, upon which claim 4 depends, but they lack:

customizing of words, phrases and sentences by an end user, which comprises the following steps;

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- a. storing a plurality of icons on the open central server;
- b. retrieving desired icons from said open central server;
- c. associating specific words, phrases or sentences to a specific icon, and;
- d. arranging icons on a user interface.

associating specific words, phrases or sentences to a specific icon and keypad or keyboard entry.

However, Baker teaches customizing of words, phrases and sentences by an end user, which comprises the following steps;

- a. storing a plurality of icons (C.16.lines 8-10, 16-20) ;
- b. retrieving desired icons (C.16.lines 56, 57);
- c. associating specific words, phrases or sentences to a specific icon (C.16.lines 55-65); and
- d. arranging icons on a user interface (c.11.lines 5-22, Fig. 2 item 9, Fig 3).

Therefore, it would have been obvious to modify Maruta, Kelley and Ecker with Baker by including icons to represent words, phrases or sentences. The motivation for doing so would have been to provide visual indications using icons, having associated text elements on a keyboard, allowing iconic input, representing specific words, phrases or sentences to a specific icon (C.10.lines 35-40)

Maruta, Kelly, and Baker do not disclose storing a plurality of icons on the open central server;

retrieving desired icons from said open central server.

However, Ecker teaches having modules, and any necessary processor, and vocabulary located in a central open server (C.9.lines 8-38-his remote service). Therefore, it would have been obvious to modify Maruta, Kelley and Baker with Ecker by storing and retrieving icons from a server. The motivation for doing so would have been to allow remote devices to access large amounts of data (and updating of the icons, interpreted as being included in vocabularies) stored on a server, such as updating vocabularies from a dictionary database stored externally from the user device (c.9.lines 25-37).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pabon et al. teaches storing a plurality of icons on an open central server, retrieving desired icons from said open central server, associating specific words, phrases or sentences to a specific icon, and arranging icons on a user interface, and associating specific words, phrases or sentences to a specific icon and keypad or keyboard entry.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/10/05



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